

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GARY L. BEAVERS,
Plaintiff,

v.

J. SOTO-ENRIQUEZ, et al.,
Defendants.

Case No. 2:23-cv-01835-WLH-KES

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE


Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation (“R&R”) of the United States Magistrate Judge (Dkt. 46). No objections to the R&R were filed, and the deadline for filing such objections has passed. The Court accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Defendants’ Motion for Summary Judgment (Dkt. 35) is **DENIED** as to Claim One (Plaintiff’s § 1983 excessive force claim against Defendant Soto-Enriquez for violating the Eighth Amendment) and Claim Two (Plaintiff’s § 1983 failure to protect claim against Defendant Urias for violating the Eighth Amendment), but Defendants’ motion is **GRANTED** as to

1 Claim Three (Plaintiff's § 1983 retaliation claim against Defendant Soto-Enriquez
2 for violating the First Amendment). Claim Three is dismissed without prejudice as
3 unexhausted.

4
5 **IT IS SO ORDERED.**

6
7 DATED: 8/14/2025

8 
9 HON. WESLEY L. HSU
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28